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February 6, 2023

**VIA ECF**

Hon. Daniel J. Stewart  
James T. Foley United States Courthouse  
445 Broadway, Albany, NY 12207

Re: *Variscite NY One, Inc. v. State of New York, et al.* (1:22-cv-01013-GLS-DJS)  
*Request for Rule 16 Conference*

Dear Magistrate Stewart:

Plaintiff hereby requests that the Court schedule a Rule 16 conference in this matter. Defendants sought, and the Court granted, an adjournment of the January 4, 2022 conference date based on the then pending motion to dismiss (Dkt. 41), which was denied on January 31, 2023 (Dkt. 46). Plaintiff filed this action in September 2022, and would like to advance this case and begin discovery.

Sincerely,

*Christian Kernkamp*  
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Admitted *Pro Hac Vice*  
New York Reg. No.: 5721923  
*Attorneys for Plaintiff*

cc: all counsel of record (via ECF)